

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIOGENES LIMITED and)	
COLOSSUS (IOM) LIMITED,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-1695 (MN) (CJB)
)	
DRAFTKINGS, INC.,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO STAY PENDING *INTER PARTES* REVIEW

Defendant DraftKings, Inc. (“DraftKings”) respectfully moves to stay this case pending final disposition, including the completion of any appeals, of all instituted *inter partes* review proceedings, pending and future, concerning the patents asserted in this case. The grounds for this motion are fully set forth in the Opening Brief in Support of Defendant’s Motion to Stay *Inter Partes* Review, filed herewith. A proposed order is attached.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ *Lucinda C. Cucuzzella*

OF COUNSEL:

G. Hopkins Guy, III
BAKER BOTTS L.L.P.
1001 Page Mill Road Building One, Suite 200
Palo Alto, CA 94304-1007
(650) 739-7500

Rodger D. Smith II (#3778)
Lucinda C. Cucuzzella (#3491)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
rsmith@morrisnichols.com
ccucuzzella@morrisnichols.com

Attorneys for Defendant DraftKings Inc.

Jamie R. Lynn
BAKER BOTTS L.L.P.
700 K Street NW
Washington, DC 20001
(202) 639-7786

Robert L. Maier
Joshua M. Friedman
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500

August 1, 2023

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of the foregoing motion has been discussed with counsel for the plaintiffs and that we have not been able to reach agreement.

/s/ Lucinda C. Cucuzzella

Lucinda C. Cucuzzella (#3491)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DIOGENES LIMITED and
COLOSSUS (IOM) LIMITED,

Plaintiffs,

v.

DRAFTKINGS, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)

C.A. No. 21-1695 (MN) (CJB)

**[PROPOSED] ORDER GRANTING DEFENDANT’S MOTION TO STAY
PENDING *INTER PARTES* REVIEW**

At Wilmington this _____ day of _____, 2023, having considered Defendant’s Motion to Stay Pending *Inter Partes* Review, IT IS HEREBY ORDERED that the motion is GRANTED, and the case is hereby STAYED pending final disposition, including the completion of any appeals, of all instituted *inter partes* review proceedings, concerning any of the asserted patents.

J.

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 1, 2023, upon the following in the manner indicated:

Brian A. Biggs
Stephanie E. O'Byrne
DLA PIPER LLP (US)
1201 North Market Street
Suite 2100
Wilmington, DE 19801
Attorneys for Plaintiffs

VIA ELECTRONIC MAIL

Michael L. Burns
Steven M. Kellner
Gregory Ferroni
DLA PIPER LLP (US)
One Liberty Place
1650 Market Street
Philadelphia, PA 19103
Attorneys for Plaintiffs

VIA ELECTRONIC MAIL

Joel Lin
DLA PIPER LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020-1104
Attorneys for Plaintiffs

VIA ELECTRONIC MAIL

/s/ Lucinda C. Cucuzzella

Lucinda C. Cucuzzella (#3491)